

# KIRKLAND & ELLIS LLP

AND AFFILIATED PARTNERSHIPS

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SO ORDERED 3/25/19

March 20, 2019

*Via ECF*

The Honorable Brian M. Cogan  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 10013

USDJ

**Re: *DPWN Holdings (USA), Inc. v. United Airlines, Inc.*,  
11 Civ. 564 (BMC)**

Dear Judge Cogan:

Pursuant to the Court's order on March 14, 2019, the parties have met and conferred as to an appropriate trial date and pretrial schedule. The parties jointly propose that trial commence on September 16, 2019, and further propose that the pretrial schedule be as follows:

Date	Description
April 22, 2019	Parties meet and confer on proposed stipulations of facts
April 26, 2019	Plaintiff serves: <ul style="list-style-type: none"><li>• Trial exhibit designations</li><li>• Images of trial exhibit designations</li><li>• Deposition designations</li></ul> Defendants serve: <ul style="list-style-type: none"><li>• Trial exhibit designations</li><li>• Images of trial exhibit designations</li><li>• Deposition designations</li></ul>

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May 3, 2019	Parties serve initial witness list (including “will call” vs. “may call” designation and denoting which witnesses each party intends to call live and which witnesses will be presented by deposition designation)
May 17, 2019	<p>Plaintiff serves:</p> <ul style="list-style-type: none"> <li>• Objections to Defendants’ trial exhibit designations and Defendants’ deposition designations</li> <li>• Counter deposition designations</li> <li>• Additional trial exhibit designations based on Defendants’ trial exhibit and deposition designations</li> <li>• Proposed stipulations of fact</li> </ul> <p>Defendants serve:</p> <ul style="list-style-type: none"> <li>• Objections to Plaintiff’s trial exhibit designations and Plaintiff’s deposition designations</li> <li>• Counter deposition designations</li> <li>• Additional trial exhibit designations based on Plaintiff’s trial exhibit and deposition designations</li> </ul>
May 31, 2019	<p>Parties exchange drafts of their respective portions of the joint pretrial statements and proposed order</p> <p>Plaintiff serves:</p> <ul style="list-style-type: none"> <li>• Objections to Defendants’ additional trial exhibit designations and Defendants’ counter deposition designations</li> </ul> <p>Defendants serve:</p> <ul style="list-style-type: none"> <li>• Objections to Plaintiff’s additional trial exhibit designations and Plaintiff’s counter deposition designations</li> <li>• Counter proposed stipulations of fact</li> </ul>
June 5, 2019	Parties’ first meet and confer regarding fact stipulations; objections to and admissibility of exhibits and deposition designation
June 10, 2019	Parties’ second meet and confer regarding fact stipulations; objections to and admissibility of exhibits and deposition designation

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June 14, 2019	Parties file joint pretrial statement and proposed order
June 28, 2019	Deadline for all parties to file <i>in limine</i> motions
July 19, 2019	Deadline for all parties to file oppositions to <i>in limine</i> motions
August 2, 2019	Deadline for any replies to <i>in limine</i> motions
August 2, 2019	Parties file and serve: <ul style="list-style-type: none"> <li>• Voir dire questions;</li> <li>• Proposed jury instructions; and</li> <li>• Proposed verdict forms</li> </ul>
<del>August 16, 2019</del>	Final Pretrial Conference
September 16, 2019	Jury Selection with trial to follow

August 20,  
 2019

As instructed by the Court, United has also made a settlement offer to the plaintiff. The parties believe that there is very little chance for settlement.

Respectfully submitted,

/s/ Antony P. Kim

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